

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CLAUDINE G. MANLEY,)	CASE NO. 1:08CV0664
)	
PLAINTIFF,)	JUDGE PETER C. ECONOMUS
)	
V.)	
)	
MICHAEL J. ASTRUE)	
Commissioner of Social Security,)	ORDER
)	
DEFENDANT.)	

This matter is an action to review a final decision of the Commissioner of Social Security denying Plaintiff's ("Manley") application for a period of disability and Disability Insurance Benefits ("DIB"). On March 17, 2008, pursuant to L.R. 72.2, this matter was automatically referred to Magistrate Judge David S. Perelman. On September 3, 2008, pursuant to General Order 2008-17, the matter was reassigned to Magistrate Judge Benita Y. Pearson for preparation of a report and recommendation ("R&R"). On July 24, 2009, Magistrate Judge Pearson issued the R&R, recommending that Manley's denial of a period of disability and DIB be reversed and remanded under the fourth sentence of 42 U.S.C. §405(g). (Dkt. # 11). The Magistrate Judge further recommended that the Administrative Law Judge: (1) reconsider Manley's credibility with a proper analysis, (2) reevaluate the weight given to medical evidence, and (3) conduct a reassessment of Manley's residual functional capacity, before determining whether Manley is disabled and eligible for Disability Insurance Benefits.

FED. R. CIV.P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service. On August 6, 2009, the Defendant, Commissioner of the Social Security Administration, filed a notice to the Court that it would not be filing an objection to the R&R. (Dkt. # 12).

Therefore, any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

Thus, the Report and Recommendation of Magistrate Judge Pearson is hereby **ADOPTED**. (Dkt. # 11). In accordance with the R&R, this matter is **REMANDED** under the fourth sentence of 42 U.S.C. §405(g).

IT IS SO ORDERED.

/s/ Peter C. Economus – August 26, 2009
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE